

Chapter 110-60 WAC

ADOPTION PROGRAM

(Formerly chapter 388-27 WAC (part))

WAC

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WAC 110-60-0010 What is the legal basis for and purpose of the department's adoption program? (1) Adoption services are included in RCW 74.13.020 as a child welfare service.

(2) The purpose of the department's adoption program is to meet the permanency needs of children who are in the department's care and custody.

(a) The agency that has the responsibility for providing services to the family and makes permanent plans for children.

(b) The permanent plan must include a primary outcome and may also include alternate outcomes (see RCW 13.34.-145). Possible permanent plans include:

- (i) Return home;
- (ii) Adoption;
- (iii) Guardianship;
- (iv) Permanent legal custody; or
- (v) Independent living if the child is over age sixteen.

[WSR 18-14-078, recodified as § 110-60-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0005, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0020 What definitions apply to the department's adoption program? "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

"Adoptee" means a person who is to be adopted or who has been adopted.

"Adoption" means the legal granting of the adoption decree consistent with chapter 26.33 RCW.

"Adoptive parent" refers to a person or persons who seeks to adopt or who has adopted.

"Alleged father" refers to a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

"Approved adoptive home" refers to any person or persons who has been approved for adoption in a preplacement report completed pursuant to RCW 26.33.190.

"Birth parent" means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not a court of competent jurisdiction has terminated the person's parent-child relationship.

"Child placing agency" means an agency licensed by the department to place children for temporary care, continued care, or adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, adoption, child protective, child care licensing, and other services to children and their families.

"Department" means the department of social and health services (DSHS).

"Department placement" refers to the placement of a child for whom the department has placement authority in an approved adoptive home.

"Division of children and family services" (DCFS) is the division of children's administration that provides child

welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Foster-adopt" refers to families that are interested in adoption who have an approved adoptive home study and who have also been granted a foster home license in accordance with chapter 388-148 WAC.

"Independent placement" refers to the placement of a child in an adoptive home by a doctor, attorney, or other individual acting as a facilitator.

"Inter-country placement" refers to the placement of a child for adoption who is not a resident and/or citizen of the United States.

"Relative" means a person related by blood, marriage, or legal adoption, as defined in RCW 74.15.020.

"Voluntary adoption plan" means an agreement by the birth parent(s) to the termination of parental rights with a specific proposal for adoption placement for the child.

[WSR 18-14-078, recodified as § 110-60-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0010, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0030 What are the eligibility criteria for the department's adoption program? (1) The department provides adoption services to any child in the department's care and custody:

- (a) With an identified permanent plan of adoption; or
- (b) When the department considers adoption as an alternate permanent plan; and
 - (i) The child is in supervised out-of-home care; or
 - (ii) The child's birth parent(s) requests adoption as a permanent plan prior to the child's placement in out-of-home care.

(2) The department considers families who apply for adoption services to be resources for children in the department's care and custody if the potential parent(s) is:

- (a) Legally competent;
- (b) Eighteen years of age or older; and
- (c) Has an approved adoptive home study.

[WSR 18-14-078, recodified as § 110-60-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0015, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0040 When does the department provide general adoption services? The department provides general adoption services throughout the case planning of any child with an identified primary or alternate permanent plan of adoption until:

- (1) Finalization of the adoption; or
- (2) Adoption is no longer the identified permanent plan.

[WSR 18-14-078, recodified as § 110-60-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0020, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0050 What general adoption services does the department provide? (1) The department provides the following general adoption services prior to the finalization of an adoption:

(a) Social work services to birth parents and children to achieve a permanent family for each child;

(b) Use of the courts, legal counsel, and juvenile court specialists for termination of parental rights and granting of adoption petitions;

(c) Obtaining available child and family medical and social background information for disclosure to adoptive families;

(d) Recruitment, study, and approval of adoptive and foster-adopt families;

(e) Assessment of the child and the current caretaker to determine if the placement is an appropriate adoptive placement;

(f) Placement of children with waiting adoptive or foster-adopt family;

(g) Social work services and/or referral of children and families to services after placement to facilitate the adoption;

(h) Development of alternate plans when the planned adoptive placement is not in the best interest of the child and/or the adoptive family; and

(i) Location and exchange, on a state and national basis, of information about children and adoptive families.

(2) The department administers the state's adoption support program on behalf of eligible children adopted through the department or a private child-placing agency (see WAC 388-25-0120 and following).

(3) The department administers the interstate compact on the placement of children (ICPC) and the interstate compact on adoption and medical assistance (ICAMA) and cooperates, upon request, with other state and tribal child welfare agencies in adoptive planning for children.

[WSR 18-14-078, recodified as § 110-60-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0025, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0060 What procedures must the department follow for the interstate placement of children? (1) Washington state is a member of Interstate Compact on Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA) and must meet all compact requirements (see chapter 26.34 RCW).

(2) The rules of this chapter apply to accepted ICPC cases.

[WSR 18-14-078, recodified as § 110-60-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0030, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0070 What adoption services does the department provide for children in the department's care and custody? (1) The department's adoption services for children include:

(a) Social work services with birth parents focused on locating a permanent home for the children.

(b) Social work services with children focusing on the child's educational, medical, psychological, and developmental needs;

(c) Petitioning the court for termination of parental rights;

(d) Facilitating voluntary relinquishments when a voluntary adoption is in the child's best interests;

(e) Assessment of children to determine their medical and social needs including, as needed:

- (i) Psychiatric evaluations;
- (ii) Psychological evaluations;
- (iii) Educational evaluations; and
- (iv) Medical evaluations;

(f) Evaluating prospective adoptive families through the use of the adoptive home study, also known as the preplacement report, to determine appropriateness for adoption generally and to determine What specific child characteristics or needs that the family will best be able to meet.

(g) Making adoptive placements that are best able to meet a child's needs, from available resources;

(h) Social work services and/or referral of children and families to services after placement;

(i) The department social worker assigned to finalizing the adoption will assist families complete the adoption support program application for children who may be eligible for the adoption support program;

(j) Provision of post-placement reports and other documents required for finalization to the court for a child when the department:

(i) Conducts the post-placement reports and other documents required for finalization to the court for a child when the department:

(ii) Has custody of the child;

(k) Provision of the consent to the adoption of a child in the department's custody.

(2) Every six months, the department must review and adjust the case plan for children continuing in foster care under department care and supervision. The CA social worker must develop the case plan in accordance with chapter 13.34 RCW to achieve the permanency planning goals for the child.

(3) The department may utilize the following methods to locate an adoptive resource for a child until the child has been placed with an adoptive family:

(a) Ask birth parents to identify a potential adoptive family;

(b) The department prefers to place a child for adoption with a fit and willing relative who is known to the child and with whom the child is comfortable:

(i) Conduct searches for relatives who are fit and willing to adopt the child, who are known to the child and with whom the child is comfortable;

(ii) Ask the relatives to be considered as a potential adoptive family;

(c) Ask current and past foster parents if they wish to be considered as a potential adoptive family;

(d) Consider families that have an approved adoptive home study; and/or

(e) Conduct individualized child specific family recruitment.

[WSR 18-14-078, recodified as § 110-60-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0035, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0080 What adoption services does the department provide for prospective and approved adoptive families? (1) For department placements, the department:

(6/29/18)

(a) Accepts applications from families residing in the state of Washington that are interested in adopting a child who is in the care and custody of the department. Children in the care and custody of the department may have special needs.

(b) Initiates an adoptive home study and achieves one of the following outcomes:

(i) Approves the family for an adoptive placement and registers the family with the contracted adoption resource exchange unless a placement decision has already been made;

(ii) Denies the application to adopt; or

(iii) The family withdraws the application to adopt.

(c) Searches for an appropriate placement for families with an approved adoptive home study;

(d) Obtains the prospective adoptive child's available medical and family background information and discloses the available information to the adoptive family;

(e) Removes a family from the contracted adoption resource exchange for any of the following reasons:

(i) A child has been placed with the family;

(ii) The family decides to receive adoption services through a private agency or an independent placement;

(iii) The department receives additional information that causes the department to revoke the approved status of a family;

(iv) The family and/or social worker determines that adoption is no longer an appropriate plan for the family; and/or

(v) The family relocates its residence to another state.

(f) Reevaluates a family's situation at the time of reapplication if a family was removed from the exchange registry and reapplies for adoption services;

(g) Informs families in writing of action the department has taken, according to the rules of this chapter;

(2) The department does not provide adoption or adoption-related services for inter-country adoptions or for independent adoptions.

[WSR 18-14-078, recodified as § 110-60-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0040, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0090 When may the department place a dependent child (not legally free) into an adoptive home? The department may place a child into a foster-adopt home under the following conditions:

(1) When the identified family has been granted a foster home license in accordance with chapter 388-148 WAC; and

(2) When the identified family has an approved adoptive home study that has been filed with the court in compliance with RCW 26.33.190.

[WSR 18-14-078, recodified as § 110-60-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0045, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0100 When may a legally free child be placed into an adoptive home? The department may place a child into an adoptive home under the following conditions:

(1) When the identified prospective adoptive family has an approved adoptive home study; and

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(2) The adoptive home study has been filed with the court in compliance with RCW 26.33.190.

[WSR 18-14-078, recodified as § 110-60-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0050, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0110 What is a voluntary adoption plan? A voluntary adoption plan (VAP) occurs when a parent(s) has agreed to the termination of parental rights and has proposed a specific adoptive placement for the child.

[WSR 18-14-078, recodified as § 110-60-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0055, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0120 When must the department follow a voluntary adoption plan? The department must follow the voluntary plan for adoption if:

(1) The prospective adoptive parents chosen by the parent are properly qualified to adopt in compliance with chapter 26.33 RCW or WAC 388-25-0025; and

(2) The court determines that this adoption is in the best interest of the child; and

(3) The VAP is proposed to the department before a petition for termination of the parent-child relationship has been filed.

[WSR 18-14-078, recodified as § 110-60-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0060, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0130 Will the department consider a proposed voluntary adoption plan if a termination petition has already been filed at the request of the department? If the attorney general's office has filed a termination petition at the request of the department, the department must consider, but is not required to support, an adoptive resource proposed by the parent.

[WSR 18-14-078, recodified as § 110-60-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0065, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0140 What will the department do to implement a voluntary adoption plan? The department must take the following actions to implement a VAP:

(1) The assigned CA social worker must work with the parent to determine whether the parent will identify a preferred adoptive placement by name.

(2) If a parent identifies a preferred placement, the assigned social worker must advise the parent and the proposed adoptive parent(s) that an adoption home study must be completed. CA, a private agency, or a qualified individual may complete the adoptive home study (see RCW 26.33.190).

(3) If the proposed adoptive parent chooses to have an adoptive home study completed by a private agency or qualified individual, CA retains the right to do its own home study if CA has concerns regarding the recommendations contained in the nondepartmental home study.

(4) Using approved procedures for determining suitability to be an adoptive resource, the child's social worker and the social worker for the adoptive family must determine:

(a) That the preplacement investigation and report, as described in RCW 26.33.190, on the proposed family results in approval of the adoptive placement; and

(b) That this placement is in the best interest of the child.

[WSR 18-14-078, recodified as § 110-60-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0070, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0150 What must the department do to maintain confidentiality of adoption records? (1) In accordance with chapter 26.33 RCW all records and information the department obtains in providing adoption services are confidential.

(2) To ensure that the department case file of an adopted child remains confidential, the CA local office must send the child's case file to CA headquarters for archiving upon the issuance of the decree of adoption.

[WSR 18-14-078, recodified as § 110-60-0150, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0075, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0160 Under what conditions may the department reveal identifying information about the birth parent? When providing reports or information on the adoptive child to the prospective or actual adoptive parents, the department must not reveal the identity of the birth parents of the child, unless:

(1) There is a written open communication agreement where the identity of the birth parent(s) is known;

(2) The birth parent is already known to the adoptive family; or

(3) The birth parent has selected the adoptive family, and the birth parent's identity has already been established.

[WSR 18-14-078, recodified as § 110-60-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0080, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0170 What must the department, private practitioner, or child placing agency do to locate records and information relating to the birth parents and the child? (1) The social worker, child placing agency, or another assigned worker must make the following efforts to locate records and information relating to the birth parent and the child:

(a) Ask the birth parents, the child, and relatives, when available, for names of all:

(i) Physicians;

(ii) Treatment agencies for medical, psychological, or educational services that have seen the parent or child for examination, evaluation, or treatment; and

(iii) Schools attended by the child and the parent.

(2) The social worker, contractor, or another assigned worker must contact the children's administration supplemental security income (SSI) facilitator to obtain medical, psychological, or social information gathered during any SSI screen or application process.

(3) The social worker, contractor, or another assigned worker must document efforts, including unsuccessful efforts, made to obtain information by:

(a) Placing the gathered records in the child's case file;

(b) Documenting the information on the child's health and education record;

(c) Documenting on the health and education passport in CAMIS;

(d) Maintaining copies of written requests to service providers for records in the child's case file;

(e) Documenting efforts on the Child's Medical and Family Background Report, DSHS 13-041(X), unless the information is already documented on the health and education passport in CAMIS.

[WSR 18-14-078, recodified as § 110-60-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0085, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0180 What information must the department or child placing agency provide to prospective adoptive parents about the child that is being considered for adoption? (1) The department or the child placing agency must provide a medical report containing all known and available information concerning the mental, physical, and sensory handicaps of an adopted child, or a child placed for adoption, to the adoptive or prospective adoptive parents under the authority of RCW 26.33.020, 26.33.340, 26.33.343 and 26.33.350.

(2) The department or the child placing agency worker must provide the child's medical and family background report, DSHS 13-041(X), to the prospective adoptive parents. This report must include documentation of efforts made to obtain medical and social information on the child and birth parents.

(3) The department must provide a social history report on the child and birth family that includes, at a minimum in accordance with RCW 26.33.380:

(a) Circumstances of the child's birth including all child medical records known and available to the department;

(b) All case notes from the child's file to provide a chronological report of how the child came to be available for adoption;

(c) The child's placement and legal history;

(d) The dependency fact finding court report and the latest court reports pertaining to the dependency and custody of the child at time of pre-adoption disclosure;

(e) The child's education history, including school reports and records known and available to the department; and

(f) The child's psychological and psychiatric reports and recommendations known and available to the department.

[WSR 18-14-078, recodified as § 110-60-0180, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 18-11-075, § 388-27-0090, filed 5/16/18, effective 6/16/18; WSR 01-08-047, § 388-27-0090, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0190 What information must the department or child placing agency provide to prospective adoptive parents about the birth parent(s) of a child being considered for adoption? The department or the child placing agency must provide a nonidentifying report on the birth parent(s) that includes any known and available social and medical information on the child's birth parent(s) in accordance with RCW 26.33.380. This information regarding the birth parent(s) must include but is not limited to:

(1) First names only;

(2) Current age of parent(s);

(3) Heritage, including nationality, ethnic background, and race;

(4) General physical appearance, including height, weight, color of hair, eyes, and skin or other information of a similar nature;

(5) Education, including the number of years of school completed at the time of the adoption, and school report (if still attending), but not the name or location of the school;

(6) Religion or religious heritage;

(7) Occupation, but no specific titles or places of employment;

(8) Talents, hobbies, and special interests;

(9) Family history and circumstances leading to the adoption;

(10) Medical and genetic history including:

(a) Available psychiatric, psychological, and substance abuse reports;

(b) Available medical history including any acute or chronic conditions;

(c) Available medical history of the birth and pregnancy, including any known substance abuse by the birth mother while pregnant.

(11) First names other children of birth parents by age and sex;

(12) Available medical histories of other children;

(13) Extended family of birth parents by age and sex;

(14) Medical histories of extended family members, if known;

(15) The fact of the death, age at death, and cause, if known, of a birth parent;

(16) Photographs of child and birth family, if available; and

(17) Name of agency or individual that facilitated the adoption.

[WSR 18-14-078, recodified as § 110-60-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0100, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0200 When will the department, private practitioner, or child placing agency disclose required information? The department, private practitioner, or child placing agency must disclose available child and birth family medical and social background information prior to the finalization of an adoption. Disclosure may occur:

(1) Prior to the placement of a child into an adoptive home; or

(2) At the time when a placement is identified as an adoptive placement.

[WSR 18-14-078, recodified as § 110-60-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0105, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0210 How does an adoptee, adoptive parent, or birth parent obtain nonidentifying information from an archived adoptive record? (1) Nonidentifying information about the birth parents, adoptee, or adoptive parent may be shared with persons identified in RCW 26.33.020 and 26.33.340.

(2) If the adoption was facilitated through the department, a request for information must be made in writing to the state office of Children's Administration, P.O. Box 45713, Olympia WA 98504-5713. The state office is the sole source for releasing information from an archived record.

[WSR 18-14-078, recodified as § 110-60-0210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0110, filed 3/30/01, effective 4/30/01.]

WAC 110-60-0220 What is the department response to requests for public disclosure of an adoptive record?

The department complies with the requirements for disclosure of public records in RCW 26.33.340.

[WSR 18-14-078, recodified as § 110-60-0220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-27-0115, filed 3/30/01, effective 4/30/01.]